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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,090	01/16/2002	Jung Shen Lien	MR1197-505	2466
4586	7590	01/02/2004	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			COLE, ELIZABETH M	
			ART UNIT	PAPER NUMBER

1771

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/046,090	Applicant(s) LIEN ET AL. 	
	Examiner Elizabeth M Cole	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's election without traverse of claims 1-11 is acknowledged.
1. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Specifically, in claim 1, the claim recites "A metallized fiber structure manufacturing method producing fiber in high vacuum space". Is the invention drawn to a method of manufacturing a metallized fiber structure or is drawn to a method producing fibers? Also, there is not antecedent basis for "the power agitation" in line 3. Also, if the invention is a method of metallizing a fiber structure, is this effected by "gas bombarding, thermal evaporation , plasma or plating", or are these performed "to strengthen the metallized effect", which would presume that the fibers were already metallized. Further, regarding claim1 , the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Although per se rules regarding indefiniteness are not applied, the instant claim is indefinite because it is not clear whether the claim is limited to the elements following "such as" or if it encompasses other elements, and, if so, what these elements are. Also, it is not clear what is meant by "blocking, storing and conducting electricity, magnetic wave and thermal energy" in the context of the claims. Do these refer to what the metallized structure can do, or are these further method steps?

3. In claim 2, it not clear what is meant by "high metal contended composites, compounds or chemical compounds" Further it is not clear whether the claim is limited to the metallic materials copper, nickel, silver or aluminum, or if other metals are contemplated, and if so, what these metals are. Also, it is not clear what is meant by "blending, hybrid or compounding".

4. In claim 3, it is not clear whether the fabric refers to the fiber structure, and it is not clear whether the fabric itself is manufactured at 0.1 torr or if the fabric is metallized at the pressure.

5. Claim 4 is improper because it is two sentences in length. Additionally, it is not clear what the structure of the fabric being claimed is.

6. Claim 5 cannot be understood as written. Specifically the phrase "that using matrix that is in advance polymer sprayed, coated and pasted to secure the bondage of the matrix and metal particles" cannot be understood.

7. In claim 6, the claim recites using chemical plating to metallized the fabric. However, claim 6 depends on claim 1 which appears to recite metallizing via gas bombarding, thermal evaporation plasma or plating rather than chemical plating.

8. In claim 7, it is not clear what is meant by "that using matrix composed of synthetic fiber or single spin."

9. Claim 8 cannot be understood as written. It is not clear whether the claims is directed to a step of programming the direction from which the particles are applied, or if it is directed to a method of blending different kinds of metal.

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10. Claim 9 cannot be understood as written. Does this refer to how the emtal particles are formed or to an action which is performed on the particles after they have been applied to fibers?

11. Claim 10 cannot be understood as written substantially for the reasons set forth with regard to claim 6 and claim 4.

12. Claim 11 cannot be understood as written. Does the claim refer to replacing the fibrous material with a ceramic material or to replacing the metallic particles with ceramic particles? It is not clear what is being referred to by "composite" in the claim.

13. An art rejection is set forth below. For purposes of the art rejection, claim 1 will be interpreted as being drawn to a method of applying metal particles to a fiber structure under vacuum.

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Feldman, U.S. Patent No. 5,974,784. Feldman discloses a three layer fabric which may be coated with a thermoplastic resin and which may be plated by metallic particles while under vacuum. See col. 2, line 22- col. 14.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (703)

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308-0037. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (703) 308-2414.

Inquiries of a general nature may be directed to the Group Receptionist whose telephone number is (703) 308-0661.

The fax number for all official faxes is (703) 872-9306. The fax number for unofficial faxes is (703) 305-5436.



Elizabeth M. Cole
Primary Examiner
Art Unit 1771

e.m.c